



Working With Contractors

Communication Guidelines

- *Only the Contracting Officer's Technical Representative (COTR) can give technical direction to the Contractor - Government personnel who direct Contractor work in any way risk the appearance of a personal services contract and/or ratifications.*
- The COTR obtains his/her authority from the Contracting Officer (CO) by designation letter.
- All requests for technical changes, issuing work requests, technical direction and modifications to the contract must go through the COTR.
- Formal meetings with the Contractor should be held with the COTR
- Managers have the option of becoming COTR-certified and then acting as a backup/alternate on a given task
- Ensure that your COTR is technically qualified

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- A COTR is Expressly Excluded from Performing or Being Responsible for the Following:
 - Making commitments or promises to Contractors relating to award of task orders or contracts;
 - Soliciting proposals;
 - Issuing instructions to Contractors to start or stop work;
 - Directing changes;
 - Executing supplemental agreements or task order modifications on behalf of the Government;
 - Giving guidance to the Contractor, either orally or in writing, which might be interpreted as a change in the scope or terms of the task order; and,
 - Discussing procurement plans or any other advance information with the Contractor that might provide preferential treatment to one firm over another when a solicitation is issued for a competitive procurement.



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- Violation of the guidelines by COTRs, their managers, or other technical program officials may give the appearance that the IRS is not acting in good faith. Commitments made to the Contractors by other than duly appointed COs can result in formal protest by other firms, embarrassment to the Department and IRS, criticism by the General Accounting Office, and possible monetary loss to the firm and to the **individual Government violator**.
- Government personnel must ensure that an unfair competitive advantage is not created for one firm over another.
- Exercising common sense and sound judgment will ensure that we maintain the integrity of the procurement process and avoid creating an unfair competitive advantage by the improper disclosure of:
 - Proprietary information, or
 - Source selection information; or
 - Advance procurement planning information



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Executive Challenges

- **Understand the Limits of Your Authority.** Unless you are a Contracting Officer (CO), you do not have authority to obligate the Government to pay for goods and services. You cannot make any agreement with a Contractor to provide supplies or services to the IRS or direct a Contractor to change the terms of an existing contract. Such commitments or directions, by other than a CO, are unauthorized commitments and may subject you to possible monetary loss.
- **Know What You May Discuss with a Contractor or Prospective Contractor.** It is appropriate, at any time, to discuss the IRS mission, organizational goals, and general information about your program areas. You may seek and discuss general available information about a company's services and products.



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Executive Challenges

- **Know What You May Not Discuss with a Contractor.** You cannot discuss anything with a Contractor that would provide them an unfair advantage in the procurement process. For example, you should not discuss the requirement, the acquisition strategy, or the schedule of a specific procurement without the involvement of the CO. You also may not disclose source selection information (e.g., the number, identities or ratings of competing firms or offerors), proprietary information (e.g., a Contractor's technical solution or price), or solicit an "unsolicited proposal" (by giving advance information on an upcoming acquisition requirement).

